



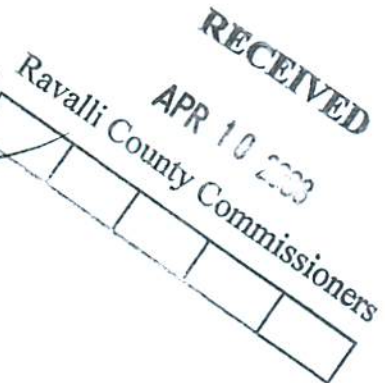
RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
William E. Fulbright, Deputy
Alex Beal, Deputy

Ravalli County Courthouse
205 Bedford Street, Suite C
Hamilton, MT 59840
Phone (406) 375-6750
Fax (406) 375-6731

MEMO

Johnson
TO: JoAnne ~~Hamilton~~; Ravalli County Treasurer
FROM: George H. Corn, Ravalli County Attorney *YPR*
DATE: April 9, 2008
RE: Release of Information – Tax Records



JoAnne:

I have researched your question regarding the proper procedure for release of tax information to the public. I understand you have received several requests from individual citizens seeking lists of properties taxed as agricultural or timber or other designations. I have determined the following is the procedure your department should follow when disseminating information of this sort.

According to § 2-6-109, MCA, it is illegal for any agency to distribute or sell any list of persons for use as a mailing list. According to 1990 attorney general's opinion, the prohibition covers situations where the information is used for mass mailings, house calls, distributions or telephone calls. 43 Op. Atty Gen. Mont. No. 73. This opinion further explains that a "clear written disclaimer from the agency as to the proscriptions and penalty of chapter 606 is sufficient" to protect the agency from liability. I have attached such a notice that your department should use in disseminating list-type information about tax payers.

Additionally, in regard to this specific question about tax records, my law clerk spoke with C. Daw, Chief Legal Counsel for the Montana State Department of Revenue. He assured us that the specific type of information requested in this instance is all public information and in fact could be accessed through their website at www.gis.mt.gov. He agreed that the attaching the notice was the proper procedure to disseminate the information.

I hope this answers your questions.

Cc: Karen Mahar, Deputy County Attorney
Karen Hughes, Planning

COPY

Geographic Information Systems
215 South 4th Street, Suite E
Hamilton, MT 59840
406-375-6622



NOTICE REGARDING PUBLIC RECORDS REQUESTS

TO: All persons requesting public records

This Notice is being issued to you in connection with your request for public records from Ravalli County.

The information you have requested may include property records which could potentially be used as a mailing list. Montana law generally prohibits the use of public records as a mailing list without the permission of those on the list. Montana Code Annotated, §2-6-109, provides in part that "in order to protect the privacy of those who deal with state and local government: (a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and (b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list." By accepting records from Ravalli County which could potentially be used as a mailing list, you agree that you do not intend to and will not use the information as a mailing list without the permission of those on the list.

The information you have requested may include GIS and/or electronic property records of Ravalli County. The information provided to you will be the most current information as of the date it is prepared for you. However, this information is being constantly updated. Ravalli County cannot be held responsible for any consequences of your use of data which may be outdated due to updating of County records.

I acknowledge receipt of the foregoing Notice and have read, understand, and agree to its contents.

Signature: _____

Date: _____

2-6-109. Prohibition on distribution or sale of mailing lists -- exceptions -- penalty. (1) Except as provided in subsections (3) through (9), in order to protect the privacy of those who deal with state and local government:

(a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) This section does not prevent an individual from compiling a mailing list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115, to lists of the names of employees governed by Title 39, chapter 31, to lists of persons holding driver's licenses or Montana identification cards provided for under 61-5-127, or to lists of persons holding professional or occupational licenses governed by Title 23, chapter 3; Title 37, chapters 1 through 4, 6 through 29, 31, 34, 35, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, 73, and 76; and Title 50, chapters 39, 72, 74, and 76.

(5) This section does not prevent an agency from providing a list to persons providing precertification or continuing educational courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access by Montana law enforcement agencies.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) This section does not apply to the use by the public employees' retirement board of a mailing list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the mailing list is not released to the organization.

(9) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

(10) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

History: En. Sec. 1, Ch. 606, L. 1979; amd. Sec. 6, Ch. 683, L. 1985; amd. Sec. 1, Ch. 663, L. 1989; amd. Sec. 2, Ch. 289, L. 1991; amd. Sec. 1, Ch. 379, L. 1995; amd. Sec. 1, Ch. 412, L. 1995; amd. Sec. 1, Ch. 364, L. 1997; amd. Sec. 4, Ch. 370, L. 1997; amd. Sec. 126, Ch. 305, L. 1999; amd. Sec. 1, Ch. 319, L. 2001; amd. Sec. 11, Ch. 363, L. 2001; amd. Sec. 2, Ch. 441, L. 2003; amd. Sec. 1, Ch. 149, L. 2007.